Office of the Employer Adviser

Annual Report

2013-2014

Annual Report
2013 - 2014

Office of the Employer Adviser
151 Bloor Street, Suite 704
Toronto, Ontario
M5G 1S4

Toll Free: 1-800-387-0774

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A Message from the Director

I am pleased to submit this report on the OEA's activities for 2013-2014.

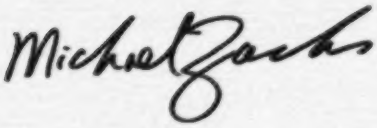
The OEA continues to be second to none in providing advice, education, and training to Ontario employers. Our clients remain highly satisfied with our services, and over ninety percent of our clients were willing to recommend the OEA to other employers.

During this reporting period we continued to build on our efforts to provide service to employers with less than 50 workers who were accused of an employment reprisal under the *Occupational Health and Safety Act*. We also continued with our commitment to educate employers through webinars and personal presentations.

This was a challenging period for us in adapting to the WSIB's new appeals modernization initiative. We trained and adapted our procedures to comply with the new, tighter appeal rules. We also shared our knowledge with employers through several webinars on the new appeals model, and continue to do so. We also participated in two major WSIB policy consultation initiatives on the Board's rate framework and benefits policies.

The OEA endeavours to provide the best professional advice and representation services we can, and offer more comprehensive and current information on our website and through our electronic bulletins. Our Employer Guides for the construction and non-construction sectors are regularly updated so they remain relevant, making critical information more accessible to employers. And we continue to speak at numerous conferences and workshops on a variety of WSIB issues to ensure that employers have the current and necessary information they need to help them manage their WSIB obligations.

I wish to express my continued appreciation to our stakeholders whose ongoing support is critical to our success, and to my staff for their dedication and commitment to serving the employers of Ontario.



Michael Zacks
Acting Director

Part 1 OEA Mandate

The mandate of the Office of the Employer Adviser is established by Section 176(2) of the Workplace Safety and Insurance Act, 1997 ("the WSIA"),

... to educate, advise and represent primarily those employers with fewer than 100 employees, in issues arising under the WSIA.

In addition, in 2011, the OEA mandate was increased, under the Ontario Occupational Health and Safety Act, Section 50, to include

... ***providing advice to Ontario employers facing reprisal charges at the Ontario Labour Relations Board (OLRB) – i.e. worker allegations that they have been unfairly treated by their employer after raising a health and safety issue - and representation at the OLRB for employers with fewer than 50 employees.***

The OEA vision and mission flow from these legislative mandates:

OEA VISION

An Ontario in which small and medium-sized businesses operate safe, fair and high-performing workplaces that contribute to a vibrant, competitive economy.

OEA MISSION

The OEA's mission is to be the premier organization for providing representation, advice and education to Ontario employers regarding workplace safety and insurance matters and health and safety reprisal issues.

The Director of the OEA is an Order-in-Council appointment. Michael Zacks, OEA General Counsel, was appointed by Ministerial letter, in 2004, to act in this position pending an Order-in-Council appointment.

Part 2 Overview of WSIB Program and Activities

Advisory Services

Workplace safety and attendant costs are key concerns for Ontario employers; the OEA provides advice to help employers address these concerns, and meet their obligations under the WSI (Workplace Safety and Insurance) system in a timely and cost effective manner. It is critical for employers to understand a very complex program, avoid errors and safeguard their workplaces and their workers, and OEA advisory services are targeted to help them in those endeavours. Clients, through timely access to accurate information, can make better business decisions, operate safer workplaces and avoid appeals.

Advice Centre personnel provide just-in-time counsel to all Ontario employers who have WSI questions or concerns; representation services are constrained by the OEA mandate to primarily serve employers with fewer than 100 employees. Access to the Advice Centre's trained staff provides all employers with an equal playing field, enabling them to make good business decisions, avoid costly mistakes or incur unnecessary penalties. Since the agency is funded by the WSIB (Workplace Safety and Insurance Board), no fees are payable by employers using OEA services, thus ensuring the ready availability of expert and confidential advice. This is especially important for small employers, since they typically do not have such expert resources available in-house.

The OEA Advice Centre is staffed by three Intake Advisers located in its Toronto head office, who take calls from Ontario employers about their workplace safety insurance concerns. Since the Advice Centre also accepts e-mail enquiries, employers can raise their issues, at their convenience, outside business hours; where warranted, these queries often result in a return phone call from an Intake Adviser to discuss the matter in greater depth.

The agency's trained Intake Advisers provide advice that is detailed, thorough and tailored to the business realities of each client. Ranging in time from a couple of minutes to hours, depending on the complexity of the issue under consideration – e.g. how to obtain a WSIB form or perhaps the protocol involved in returning an injured worker to work or options with regard to responding to a classification change or premium increase – all employers' calls are dealt with in as timely a manner as possible. Clients appreciate the Advice Centre's emphasis on answering calls live – i.e. answering employers when they call in, with the goal of minimizing the use of voicemail – so that the advisers work to the employer's schedules, providing prompt and complete advice as soon as possible.

Client satisfaction with services provided by the Advice Centre, as measured through random telephone surveys, is 100% for this fiscal year. Clients willing to recommend the services of the OEA to other employers is also 100%. These numbers are the same as last year and continue to be significantly higher than the 90% target levels. The OEA is very proud it can report this high level of satisfaction year over year. The calibre of the advice provided by the agency's staff and their commitment to serving callers' needs is obviously much appreciated by its clients.

Critical to these high satisfaction levels, we believe, is the agency's ongoing focus on dealing with employer queries as soon as possible. During this reporting period 87.7% of all incoming calls went directly to an adviser, with the remainder responded to within one business day – most usually within an hour of the incoming call. The comparable figure for 2012-13 was 85.7%; both are significantly better than the 70% target for 'answering calls live'. Getting such immediate access to expert advice means time saved for employers, and ensures their concerns are discussed – and resolved – as quickly as possible.

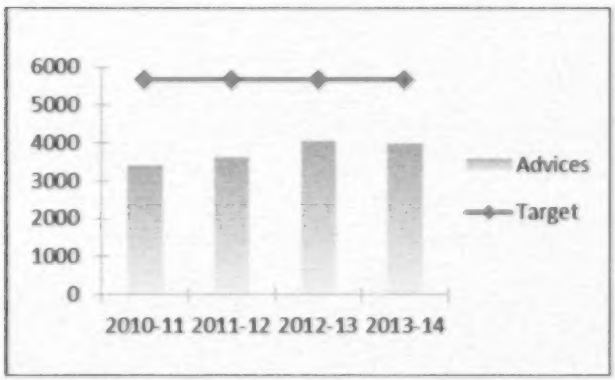
Similarly, e-mail enquiries are responded to on a priority basis, within one business day.

The OEA's sixteen regionally-located Employer Specialists are also available to provide advice. Many employers have come to know their local specialist through referrals from the WSIB, the Workplace Safety and Insurance Appeals Tribunal (WSIAT), health and safety associations, community and business groups, or existing and former OEA clients. As well as providing targeted advice, Employer Specialists routinely provide educational presentations for local community groups. Employers regularly establish on-going relationships with their regional representatives; as in other years, regional contact and increasing local presence is an outreach priority for the OEA.

Fiscal 2013-14 saw the instances of advice provided to Ontario employers decrease slightly year over year – i.e. 3,977 this fiscal year versus 4,056 for last year. This year's decrease of 1.9%, while essentially the same as last year, represents the first year when advice numbers did not in fact increase year over year, following three years of rising service numbers. Essentially sustaining our advice numbers, in the light of declining WSIB incidents, is a good sign that the OEA is maintaining employer awareness in the business community.

Figure 1

Instances of Advice ('Advices') to Employers



The OEA is able to provide this valued service to Ontario employers through the professional, dedicated efforts of its staff. Staff training is ongoing in order to ensure that everyone is current with Board policies and procedures and on top of workers' compensation practices, and thus knowledgeable and competent to provide the best possible advice to OEA clients.

One alternative way to deliver 'advice' to Ontario employers – rather than calling in to the Advice Centre itself - is a 'web advice', which can be tracked through the use of Google analytics for the OEA website. This statistic reflects the use of the website by employers seeking comprehensive information about the WSI system and their obligations and rights. Available 24/7, during the current fiscal year the website delivered 2,258 'web advices' this fiscal year. This number has been very variable, since the OEA first started to track it, because of procedural changes within the Google analytics tool. The OEA, during that last four years, has been providing between 200 to 600 web advices each month to the web community at large. Even at the lower end of this range, this represents a significant addition to those clients using the Advice Centre directly. The definition of a 'web advice' is: a user who spent more than 1 minute on the website *and* accessed more than 3 pages of web content, *and* excludes anyone leaving the website after just accessing the home page. Note that 'hits' on the website, which do not reflect this level of information-gathering, are ten times greater. These three 'web advice' criteria are stringent and serve to identify clients who are searching the OEA website, and getting the information ('advice') they require to address their concerns and inform their actions.

The website also allows clients to send in e-mail queries using an online form. E-mail queries sent to the Advice Centre were down 14.4% in 2013-14 (95 versus 111), down over the previous fiscal year for the second consecutive year. This statistic appears to be quite volatile – but is probably related to whether there is a current WSIB 'hot topic' creating concern and/or confusion for employers. For instance, previous highs for email inquiries appear to coincide with the implementation of Bill 119, when many construction

employers were seeking information about how the changes relating to independent operators and home renovation work would affect them. The relatively low number of emailed queries, especially in comparison to the number of web advices delivered, we believe speaks to the high calibre of the OEA website: it is user friendly and full of the information that employers need to answer their simple(r) workers' compensation questions. And for more complicated issues, employers have ready access to the Advice Centre via our toll-free line.

Another indicator of the success of the agency's web-based education strategy is the number of advices provided in 2013-14 to clients who called the Advice Centre as a result of using the OEA website. The number of such advices this year was the lowest since we started tracking this five years ago – 142. Again, the OEA believes that the variability here mirrors Board policy changes and their complexity. Last year's all time high of 264 referrals, again, reflects the significant impact of the changes introduced by Bill 119. There was not a WSIB counterpart to generate this type of employer focus/interest during the current reporting period. It is clear, however, that having access to the Advice Centre complements the information gathering/problem solving possible from website use; having this as an available option provides a valuable extension of services for employers. We will continue to track this statistic and expect that it will continue to reflect the complexity of WSIB policy change/implementation in any given fiscal year.

The OEA website organization into construction and non-construction focused portals, and intuitive and user-friendly, searchable, organization of information within those divisions, appears to be working for Ontario employers, and ensures, in conjunction with the availability of live Advice Centre service, that employers have ready access to the information they need, when they need it, to meet their WSI obligations.

As noted in previous reports, a small employer typically 'needs' advice services only once every seven or eight years or so. It remains a challenge for the OEA to be 'front-

of-mind' as a primary resource for Ontario employers – increasing awareness in all business sectors of our free, expert and confidential services and sustaining awareness among our client community remain our most significant outreach challenges.

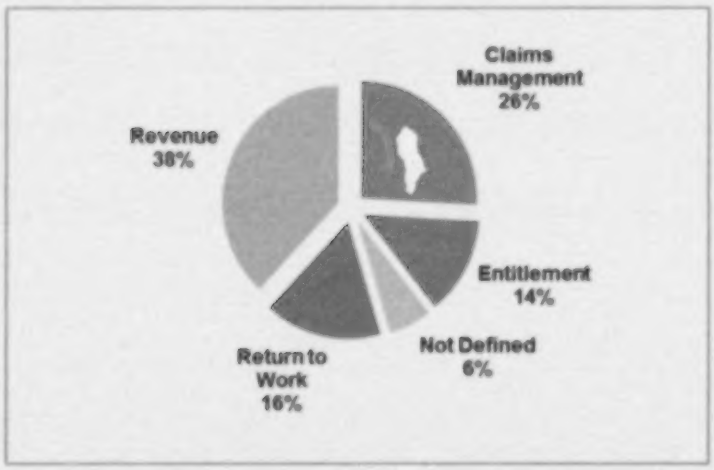
In 2013-14 the OEA continued to focus on informational sessions provided to stakeholder groups covering such things as WSIB's appeal process/es, work reintegration and other topics as they became relevant; webinars have continued as our primary delivery vehicle this year. And Twitter has become a significant addition to our outreach activities; other social media opportunities will be considered for implementation as resources allow. Additional detail about these efforts is contained in the "Value to Clients" section of this Report.

Analysis of the subject of the advice being provided shows that more inquiries continue to be about Revenue issues than anything else; at 38% this is very comparable to last year (40%), continuing to dominate as the area of most concern for Ontario employers. As with previous fiscal reports, the second most important focus was Claims Management, at 26% (essentially the same as last year's 25%).

Return to Work continues in third place and Entitlement is the fourth most common area of inquiry, a consistent placement year after year. Figure 2, overall, is indicative of the workplace safety and insurance issues facing Ontario employers and their business priorities: specifically, such employer concerns as the premiums they are being charged to fund the system – including issues such as the rate group where they have been classified, the Board's remittance practices, independent operator status, etc. - and the need for additional knowledge about their responsibilities within the workers' compensation system.

Figure 2

Advice Issues 2013-2014



As noted, our clients are generally very satisfied with the services provided by the OEA, and it is felt that at least part of that satisfaction is due to the high percentage of Advice calls that are taken 'live'. This means that an Intake Adviser answers the phone immediately upon the employer placing a call to the Advice Centre, rather than having to leave a voice-mail and waiting for a return phone call at a time that may not be as convenient for the inquiring employer, or when the problem has resolved itself (either positively or negatively). The answer live rate was 87.7% for 2013-14, similar to last year's 85.7% figure. In both reporting periods the Advice Centre significantly exceeded its target of answering 70% of calls live.

Workplace Safety and Insurance Representation Services

According to the OEA's mandate, the agency primarily represents employers with fewer than 100 employees in disputes arising under the WSIA, at both the WSIB and at the WSIAT (see Figure 5, page 20). At the WSIB operating level, representation services involve negotiation, which is provided by an Intake Adviser or by an Employer Specialist, by means of telephone calls and/or correspondence. At the two appeal levels (WSIB Appeals Branch and WSIAT), as well as in return-to-work or work re-integration negotiations, Employer Specialists provide the representation services. At this level, representation involves a range of activities, from negotiation to appearing at mediations or hearings with the employer and managing the case on their behalf.

The OEA, through its representation services, plays an important role in reducing conflict in the WSI system. OEA Intake Advisers and Employer Specialists maintain good working relationships with staff at the WSIB. Agency staff work with their WSIB counterparts to ensure that Ontario employers have high quality representation within the system. The agency continues to focus on reaching unrepresented employers, working with the Board to have referrals made to the OEA where appropriate. Staff involvement in such things as RTW (return to work) plans and negotiations ensures an equal footing for both workplace parties, and supports a solution that returns employees to the job in a timely, cost-effective manner, removing some strain from the system. Similarly, agency staff works closely with the WSIB Collections Branch, to facilitate the payment of premiums that are due and to ensure that employers pay their share in a way that complements their on-going business needs.

Negotiations continue to be a preferred interim resolution step, since they usually offer a faster, more efficient solution. Because employers need to, and have a preference for, spending their resources on activities associated with direct contributions to their profitability, an appeal is usually the second-choice dispute resolution alternative. In

response to this employer bias, the OEA continues to promote the early resolution of disputes. Performance Measure A1 (see Appendix A) reflects the agency's achievement in this effort: in 2013-14 the OEA resolved 61% of disputes without a hearing, slightly below the 65% target level, and lower than the 67.6% attained last year. This decrease might be attributable to the uncertainty about possible outcomes, due to the implementation of the new WSIB appeals process, and associated delays. Since OEA staff have no direct control over whether an employer and/or worker agrees to a negotiated settlement, the agency is pleased with the way it has been to contribute to the lessening of conflict within the WSI system, through the resolution of so many disputes without a hearing.

While these efforts often successfully conclude cases at the operating level of the WSIB, some cases do proceed to appeal. Also, some employers do not learn of the availability of OEA (free) services until their case has progressed to the appeal stage. Of the 1,449 cases worked on in 2013-14, Employer Specialists represented employers in 164 cases that involved mediations/negotiations. Whether cases proceed to appeal or not, agency staff always strive to resolve matters as soon as possible. In a system where 95% of appeals are worker-driven, OEA involvement improves balance in the system, ensuring that employers' perspectives and needs are being both represented and respected.

Further analysis of the 1,449 cases worked on during the 2013-14 reporting period reveals the following:

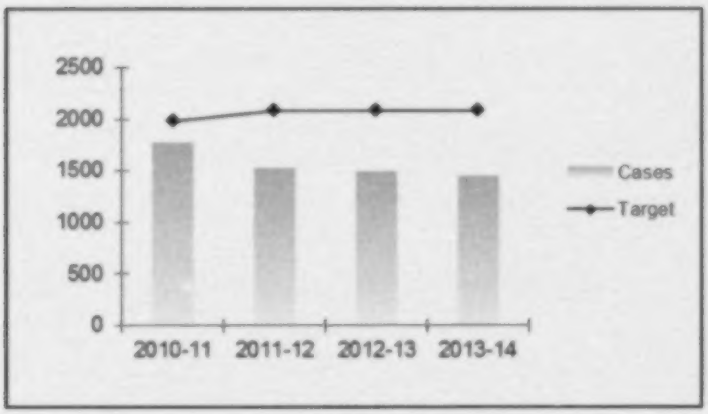
- 510, or 35%, were resolved, the same as last year;
- 478 cases, or 33%, were new in-year, similar to last year's 36% (532 new cases). The timelines to resolve employers' appeals were even longer this year, as the new appeals process was put into effect, and the WSIAT backlog grew – and the carryover of cases year to year reflected these events;
- 26% had a successful outcome for the client, up slightly from last year's 23% figure. Note that many cases have multiple levels of results and appeals, and

success at one level may be overturned at the next. The 26% figure for 2013-14 indicates the level of success across the various levels, and not final results, and accords with the inherent default for the system to favour the worker. We are transitioning to a new, more meaningful measure for outcomes in the upcoming year, and will be providing comparison statistics as we bridge the change over the new reporting periods.

With regard to client satisfaction, 97.4% of employers surveyed indicated that they were satisfied with their OEA representation, very similar to last year's report of 98.8%; 97.4% also said that they would recommend our services to others, compared to last year's 98.8%. All are significantly higher than the target level of 90% and indicate an employer community that is very aware and appreciative of the work done on their behalf by agency staff.

Figure 3

Cases Worked On, 2013-14



In comparison with the data for instances of advice, analysis of the representation issues is marked different. Instead of Revenue, Entitlement is the number one concern for employers represented by the OEA. Given the close relationship of Entitlement to Revenue, i.e. granting of initial entitlement has a very significant effect on money and/or future premiums payable to WSIB, the difference is easily understood. Revenue is in second place, as the primary issue for 24% of employers, down from last year's 34%

level. Return to Work (19%) and Claims Management (7%) are in third and fourth place respectively, the same as reported for the last fiscal year. These statistics are reflective of the areas currently having the biggest impact on employers and thus being of primary concern to them, and where agency assistance can be of the most benefit.

Figure 4

Case Issues 2013-14

Education of Employers

As noted above, on average, a small employer has a workplace injury occur only once every seven or eight years. At the time of the injury, the employer's need for information about claims management and return to work is acute. Chances are, however, that most small business owners do not have the requisite information at their fingertips, since most of their time and resources are of necessity focused on business growth and profitability. Compounding this lack of information is the fact that few small employers have the time or available staff to attend seminars or education sessions, either when a need arises or on a pro-active basis.

Accordingly, the OEA's educational strategy evolved from one based on having employers attend intensive adult-education workshops, to a multi-channel approach which makes information available to employers in a format that is timely, relevant and accessible. The focus of the agency's education strategy in recent years has been to ensure that employers expand their understanding of the WSI system as part of the representation process; posting useful information and tools on the OEA website; assisting stakeholders with their education initiatives where appropriate; and within the last 2 years, providing webinars directly to interested parties, with registration being available via the OEA website. The agency is also using Twitter to good advantage, tweeting educational information, reaching out to stakeholders directly. Other social media channels are being considered as opportunities and resources present themselves.

In 2013-14, the OEA continued to meet the need in the employer community for additional information about Work Reintegration and Claims Management and Bill 119, which affects Independent Operators in the construction sector. The OEA continues to present on various topics when requested by various stakeholder groups and in 2013-14, 83 such presentations were provided. In addition, staff participated in 6 trade shows and symposia.

With the agency's focus on providing webinars directly to users rather than as a service to a stakeholder group, 20 were provided in-year – all OEA-hosted with a total of 1,495 attendees. 2013-14 webinar topics included Bill 119, Form 7, Appeals and Section 50. Webinars are proving to be ideal educational delivery vehicles, allowing for direct access to relevant information to employers at locations convenient to them, and with the least time commitment; once a particular 'live' webinar topic has been exhausted – i.e. it is no longer so timely for employers, or registration has waned – a recorded version is posted on the website, ensuring the availability of that information when and as needed by Ontario employers.

Webinars also have the advantage of being cost and resource effective for the OEA. 2014-15 will see an expansion of the subjects addressed to broaden the information/education available to employers about WSIB policies and procedures. Webinars are the becoming the foundation for meeting the OEA education mandate.

The OEA has continued to provide 'live' presentations to stakeholder/employer groups, although its emphasis has shifted to restricting such participation to those with larger registrations. In all, the OEA had more than 2,395 attendees at an agency presentation/briefing/workshop (i.e. excluding webinars) during the 2013-14 fiscal year, a decrease from the previous year's total of 2,687. This is to be expected, given the agency's change in emphasis on webinars as its primary educational channel. The agency is reaching a significant number of Ontario employers, on an on-going basis through a mix of webinars and 'live' presentations and will continue to use both as opportunities arise and are considered appropriate.

One of the goals of the agency's representation services is to build self-reliance for employers within the WSI system, by making sure that they understand their roles and responsibilities under the Workplace Safety and Insurance Act. This includes teaching employers how to improve their claims management and return-to-work procedures, and how the WSIB's experience rating system works, so that employers will be more independent and knowledgeable in the future. Performance Measure A2 (see Appendix A) shows the proportion of OEA clients who used agency services for the first time in 2013-14. 65% of all advices were provided to new contacts; on the representation side, 45% of the OEA's new cases in 2013-14 were first time clients. Overall, approximately 41% of all services were provided to new contacts in 2013-14, a significant decline from the 50% provided in 2012-13. This statistic shows that there is much that can be done for more Ontario employers as they become aware of the OEA's availability and services. The agency will continue its efforts to reach as many Ontario employers as possible through its education and outreach efforts.

In addition to the 'hands-on' education provided through casework, the OEA strives to meet the needs of its broad customer base by providing WSIB-related information through a variety of access/delivery mechanisms:

- Current content and notices of webinars, presentations and other meetings are maintained on the www.employeradviser.ca website.

- Monthly 'Director's Message' updates are posted on the OEA website.

- E-bulletins continue to go out to the OEA client database up to eight times per year in newsletter format; in 2013-14 five regular e-bulletins were delivered, and one 'special' e-bulletin.

- E-bulletins continue to be archived on the OEA website, with current e-bulletin content showcased as the most recent website updates. Employers using the site can sign up for e-bulletin subscriptions while visiting.

- The OEA is phasing out the hard-copy distribution of its very popular Employers Guide: two separate guides specifically targeted for Non-Construction and Construction employers are available in both English and French. Filled with information about such things as who should register with WSIB, how to do so, what an employer's rights and responsibilities are under the WSIA, etc., the guides serve as employer-group specific ready references for soon-to-be employers as well as those engaged in small to medium sized businesses. The guides will be maintained in electronic form, easily downloaded from the OEA website. A small tri-fold glossy brochure outlining the services available from the OEA is being substituted as a handout where appropriate.

Part 3 OEA Clients

Since the OEA's mandate is to serve primarily those employers with fewer than 100 workers, the merit review undertaken before the OEA represents an employer includes determining their size. In fiscal 2013-14, 7% of clients provided with agency representation had more than 100 employees; this compares to 9% last fiscal year.

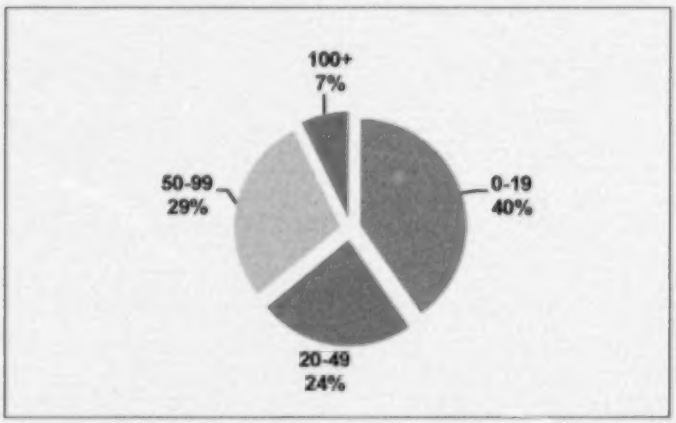
It is not administratively viable to screen employers contacting the call centre in order to deny advice to those with more than 100 employees; and permitting access to advice to all Ontario employers is also accepted as beneficial to the system, overall. Thus 19% of all advices for 2013-14 were provided to employers with 100 plus employers. This is similar to last year's figure of 17%.

The OEA will continue to provide advice services to as many Ontario employers as contact us.

Figure 5

Breakdown of OEA Representation Clients by Company Size (number of employees)

2013-14



The sectorial analysis below is based upon WSIB classifications. The breakdown is consistent with the prevalence of small to medium sized employers in the different industry sectors. The construction industry continues to be the agency's largest client

group at 36%, comparable to the last reporting period, indicative of the significant impact of changes in Board's policies, pending and implemented, on this sector. Other sectors are little changed from previous reporting periods, mirroring the overall business distribution of Ontario employers.

Figure 6
Breakdown of OEA Clients by WSIB Industry Sector
2013-14

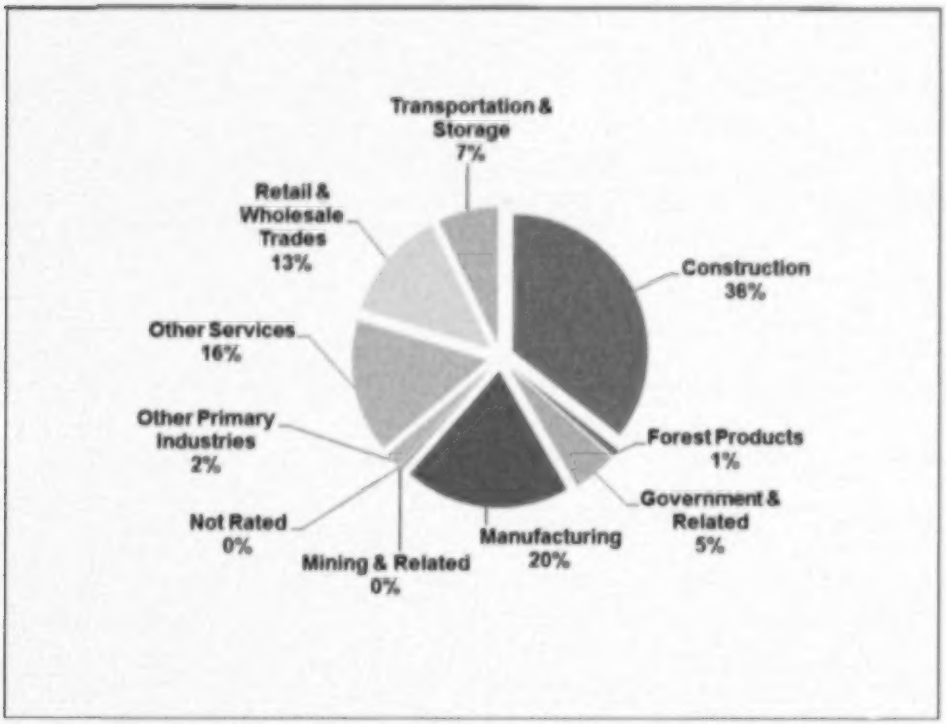
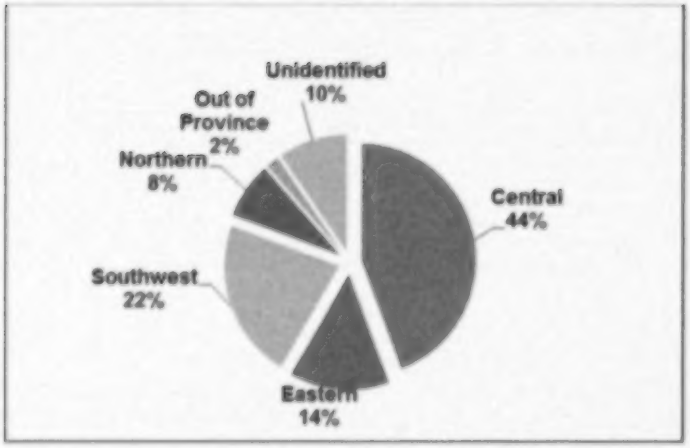


Figure 7 provides the breakdown of the regional distribution of OEA clients for 2013-14. Service delivery appears to reflect the population and business demographics of the province, with the Central area, which includes the Greater Toronto Area, comprising the largest client group. The distribution is very similar to last year. The agency's location of Employer Specialists around the province enables the provision of representation services to employers in their local area, as required.

Figure 7
Breakdown of OEA Clients by Location
(Postal Code)
2013-14



Value to Clients

Ensuring that Ontario employers are aware of existence of the OEA and the availability of free advice and representation services – within size constraints – remains a significant challenge. There is no doubt, given our high satisfaction ratings, that the service being provided by the agency is valued. Providing that satisfaction to a larger number of employers is our focus and goal.

Thus outreach and marketing is a constant and ongoing effort. During the current reporting period, the OEA reports the following activities:

- Only 2 informational newspaper ads were placed in 2013-14, down from 3 last year. The ads were used only in targeted regions where it was felt that this medium was appropriate to help local staff become better known in their communities. There is still a need to expand ethnic awareness across the

province, and print ads might be the appropriate vehicle to accomplish this goal. Evaluation is ongoing .

- Additions to the employer groups who receive articles on workplace safety and insurance related topics to distribute to their members on a regular, on-going basis. The number of such employer groups was increased to 39 from 31 for the previous reporting period. Participants now include the Hamilton, Sarnia, Durham, Toronto and Ottawa Construction Associations, Yum Canada, the CGA, ORHMA (restaurants and hotels), Kawartha Manufacturing, Canadian Window and Door Manufacturing, Ontario Lumber Manufacturing, Kingston and District HR and OCSA (convenience stores) associations, as well as Tim Hortons, Wal-Mart and Coffee Time.
- Participation in six trade shows and symposia hosted by various employer groups and associations. This included the agency's continued involvement in regional safety association tradeshows, opportunities for which have declined.
- Continuation of focus on the construction, service and manufacturing sectors. Advices to the construction sector were down 8% - primarily due to the full and final implementation of Bill 119; manufacturing was up approximately 2%, reflecting some small effect of our efforts there; and there was another substantial increase, year over year, of 26% for the services sector, building on last year's hefty 22% increase. These sectors, plus our role in Section 50 disputes under the Ontario Occupational Health and Safety Act, will continue to be primary targets for outreach activities in 2014-15.
- In total, more than eighty-three presentations on such topics as work reintegration, Bill 119, claims management, completing an accident report (Form 7) and introductions to both the WSIB and OEA were provided to various stakeholder and employer groups by OEA staff. Our focus for 'live' presentations has shifted to those offering larger audiences: more than 2,089 employer representatives attended our presentations this year, fewer than last year's high of 2,687, but still significantly more than the 1,440 who participated the year before.

- Distribution of more than 2,500 OEA 'Appeals' bookmarks. These bookmarks outline the services available from the OEA with regard to the WSIB appeals process. They are primarily used by the WSIAT as an enclosure in their mailings to employers about their upcoming Appeal.
- The agency has curtailed production of its Employers Guides – both Construction and Non-construction versions, due to its ready availability on line, and the high cost of keeping the print version in print and current. That said, more than 1,200 copies of the various guides were provided to various employer associations, Service Ontario Centres and directly to employers in 2013-14. The Guides will be maintained in electronic form and will continue to be valuable, simple documents for employers to understand the workers' compensation system and their obligations under the WSIA.
- A new marketing brochure was created in 2013-14. Outlining OEA services – including Section 50 representation – the tri-fold glossy is a great introduction/overview and is significantly cheaper to produce and distribute in volume. And it has the advantage of not losing currency as Board policies and procedures change. 2,325 English copies and 275 copies in French were distributed in the current reporting period.
- OEA hosting of webinars. Twenty webinars were presented in-year – double the ten reported last year. The topics were: Bill 119 (2); Appeals (7), Section 50 (3), Work Reintegration (4), Claims Management (1), Introduction to WSIB (2), Form 7 (1) with a total of 1,495 participants. Webinars are significantly increasing the number of clients we can educate, in a very cost effective way. We continue to develop the range of topics included in our webinar offerings. A "Director's Forum", where participants have the opportunity to ask questions of the OEA Director/General Counsel, after being brought up-to-date on the current state of workers' compensation in Ontario, is one scheduled addition for the 2014-15 fiscal year. Taped versions of webinars, posted on the OEA website, become a valuable online resource for employers, accessible to them 24/7.

- Website usage continues to be a strong driver for OEA business. The website is being revised and updated on an ongoing basis. Adding the webinar registration process to the website in 2013-14 was one significant enhancement..
- Twitter. The OEA has now done more than a year of tweets - we went live on Twitter on January 8th, 2013. Tweets are posted daily and include updates on changes in WSIB policy, 'did you know' facts from the OEA guidebooks and special tweets when the Board issues news releases on such things as premium changes for the upcoming year. As of the end of March 2013, we had 1,309 English followers and 106 French followers. Those followers include many employer associations, Chambers of Commerce and organizations such as Osgoode Hall Law School. Given the success of the agency's exposure on Twitter, the usage of other social media channels is being evaluated, in the context of whether the agency can sustain the resource commitments required.

Finally, in 2013-14, the agency continued to track OEA 'savings' - i.e. money saved by a client employer as a direct and immediate result of the agency's involvement. Savings include such things as a favourable appeal outcome which reversed a decision of original entitlement; or a change to a classification ruling made in an employer's favour, etc. Savings amounted to more than $3,340,000 in fiscal 2013-14, significantly higher than the $1,518,920 reported in fiscal 2012-13. These savings figures represent a very significant contribution to the bottom-line for Ontario's small-employer community. Note that these amounts are straightforward totals of one-time savings from rebates or credits or charges not-incurred. They do not include any projection of future or ongoing savings based on these favourable outcomes, so the ongoing benefit is far in excess of the numbers being reported.

The OEA will continue to monitor its effectiveness with regard to its clients' out-of-pocket costs and savings.

Part 4 Overview of Section 50 Program and Activities

Advisory and Representation Services

As of April 1, 2012, the OEA became responsible for the provision of advice and representation services for Ontario employers facing Section 50 complaints under the Ontario Occupational Health and Safety Act. This fulfilled a recommendation made under the 2010 Dean Panel report.

The OEA had 2 Employer Representatives responsible for delivering on this mandate in 2013-14, although only one was active for much of the year. Leveraging the OEA website, three Section 50 webinars were presented during the reporting period; and four other presentations to employers were made on the topic. Altogether, 284 employers participated in OEA educational opportunities.

The OEA will continue to offer instruction in employer responsibilities under the OHSA over the upcoming year and take advantage of any opportunities for presentations provided by stakeholders.

The OEA provided the following services to the employer community in 2013-14:

- 27 case-specific enquiries (advices) were provided.
- 31 representations (cases) were undertaken, most of which were settled in year.
- Most of the resolved cases were settled or dismissed; settlements range from the simple provision of a Letter of Employment to a (usually small) monetary payment. In most settled cases, the employer got a full and final release of any and all claims arising from employment or the termination thereof.
- No cases had went to a full hearing, as of the end of the current reporting period.
- Geographically, the case distribution ranges across the province, including cases from Kincardine, Port Dover, Tecumseh, Cornwall and Bracebridge.

Unfortunately, the detailed analysis offered in last year's Annual Report is not available this year due to the personnel issue mentioned above; comparable statistics for this year cannot be provided, given the absence of matching data.

The demand for Section 50 representation is very variable. The OEA is staffed to provide advice and representation as requested, and will continue to provide education to ensure that employers are aware: 1) of their responsibilities; and 2) of the availability of the agency staff to represent them if they fit the size constraints of our mandate.

Part 5 Client Testimonials

We are pleased to provide the following excerpts from communications received from OEA clients, commenting on the services they received from its staff; note that no spelling amendments have been made to the quotes:

"I would like to thank you for your very prompt and efficient service. It is daunting to deal with the government and greatly appreciated to have someone such as yourself to help navigate the complexities of the system."

M.K.
Rexdale

"I also want to thank you for representing us in this hearing. Your professionalism and strong knowledge of the facts and documents goes a long way, I believe, in helping with the arbitration."

T.B.
Brockville

"I've participated in a couple of the OEA webinars and want to say thanks. They are well presented and very helpful."

Oakville

"Thank you so much for last night…..You took a very complicated topic and helped people a lot. Ti think the best thing about meeting and hearing you though is your passion to help small business (which we both applaud, and are very grateful for)."

P.D.
Barrie

"I want to thank you from the bottom of my heart for everything you have assisted not only myself, but ….. on. It has been truly appreciated."

S.M.
Georgetown

"Thanks again for your presentation ….. This was a well presented and well received program on R/W and Reintegration, we have received a number of Thanks and Appreciation for your presentation."

M.L.
Etobicoke

"On behalf of the … and I, wanted to say thanks to all your hard work and time in dealing with the WSIB appear. I just finished reading the decision and you did a great job in presenting their case. ….I will continue to recommend your Office to any company who needs help."

G.M.
Cambridge

"I take this opportunity to thank you for your support throughout the entire process….Hopefully our appeal is ultimately successful, regardless of the outcome your assistance and commitment to supporting our appeal was exceptional."

A.F.
Pembroke

"Thanks! You are awesome."

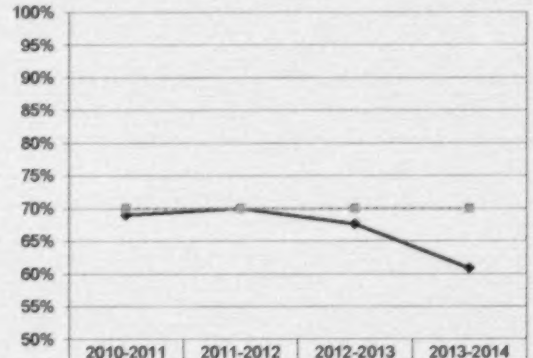
M.B.
Kitchener

Appendix A: OEA Performance Measures 2013-2014

Key Activities: Advice and Representation Services — A1

Performance measure for 2013-2014: Percentage of disputes resolved without a hearing

Percentage of Disputes Resolved without a Hearing



	2010-2011	2011-2012	2012-2013	2013-2014
Disputes - No Hearing %	69%	70%	68%	61%
Target	70%	70%	70%	70%

Agency Contribution

OEA staff employs alternate dispute resolution strategies such as negotiation and mediation to help employers resolve disputes at an earlier stage.

In revenue matters where the dispute only involves two parties (i.e. the WSIB and the employer), every effort is made to resolve matters at the operating level. However, 95% of appeals are worker-driven and employers often contact the OEA for assistance after the dispute has proceeded to the appeal level. This limits the target that can realistically be achieved.

What does the graph show?

While the OEA consistently contributes to the reduction of adversity in the workplace safety and insurance system and helping employers to manage disputes more efficiently and effectively, the measure is not directly controlled or controllable by the OEA. Ultimately, since most appeals are worker-driven and employers have the final decision on whether or not to settle prior to a hearing, this measure will fluctuate according to employer climate and issues in any given year. Though this year's measure is below the typical 65-70% range, the OEA continues to help a substantial number of employers prior to the hearing stage.

2013-14 Commitments

The commitment for 2013-14 was 70% of disputes resolved without a hearing, which was almost met.

Long-term Target

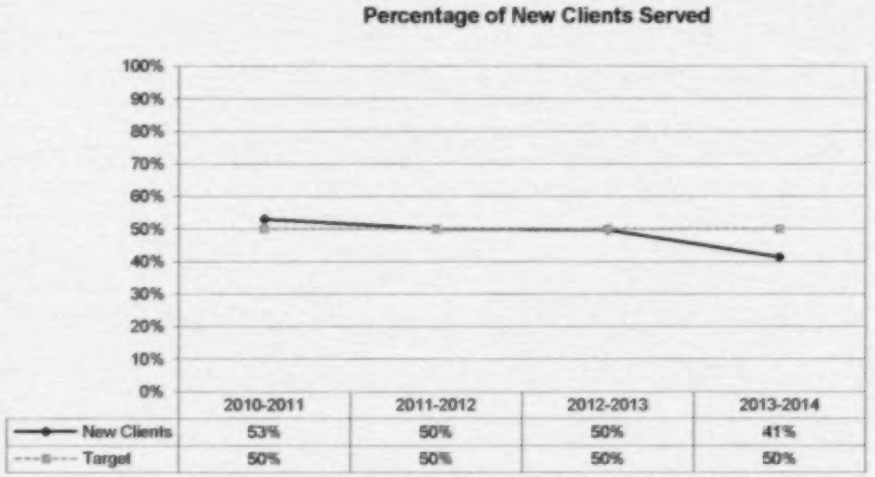
The long-term target is 70%

Proposed for Publication	Internal Use Only	☒ Existing Measure	☐ New Measure

Appendix A: OEA Performance Measures 2013-2014

Key Activities: Advice and Representation Services — A2

Performance measure for 2013-2014: Percentage of clients served in year that used OEA services for the first time.



	2010-2011	2011-2012	2012-2013	2013-2014
New Clients	53%	50%	50%	41%
Target	50%	50%	50%	50%

Agency Contribution

Client feedback consistently calls on the OEA to ensure that more employers are aware of our services. The OEA also strives to ensure that employers become more self-reliant through casework.

This measure helps to determine whether we are expanding our reach to those eligible employers who are paying for OEA services in their WSIB premiums, but who have not previously accessed our services.

What does the graph show?

We continue to try and inform as many employers as possible of our no-charge, confidential, services. The OEA's ongoing outreach efforts are allowing the agency to reach new clients, but more work remains to be done.

2013-14 Commitments

The commitment for 2013-14 was 50% new clients served in year. This target was not met.

Long-term Target

The long-term target is 50%.

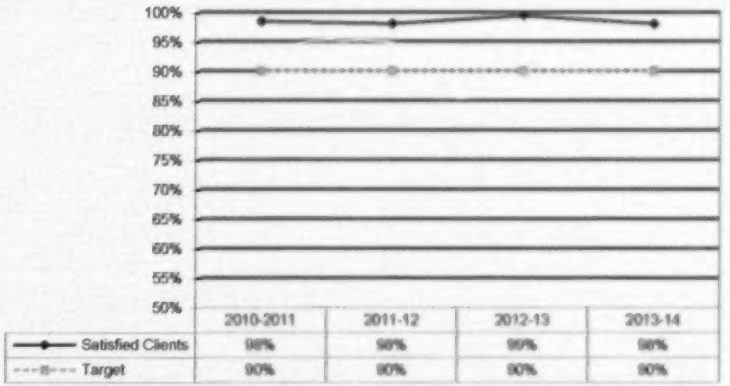
Proposed for Publication	Internal Use Only	☒ Existing Measure	☐ New Measure

Appendix A: OEA Performance Measures 2013-2014

Key Activities: Advice and Representation Services — A3

Performance measure for 2013-2014: A customer satisfaction rate of 90% or higher.

Percentage of Satisfied Clients



	2010-2011	2011-12	2012-13	2013-14
Satisfied Clients	98%	98%	99%	98%
Target	90%	90%	90%	90%

Agency Contribution

The primary complaint heard by agency staff is that employers were not aware of its services sooner. Most employers using the agency's services are very satisfied with the services they receive.

In addition to OPS customer service standards, the OEA has a number of internal standards, policies and performance measures, including those for telephone services and for file review, client follow up, etc., to maximize the service experience of OEA clients. The OEA's case management system was designed to provide tools to OEA staff that help them monitor and meet these expectations.

What does the graph show?

OEA clients are very satisfied with the service they receive.

Note that this graph shows the combined rate for both OEA business streams – Advice Centre and Employer Representation.

2013-14 Commitments

The commitment for 2013-14 was a 90% client satisfaction rate. This target was exceeded.

Long-term Target

The long-term target is 90%.

Proposed for Publication	Internal Use Only	☒ Existing Measure	☐ New Measure

Appendix B: OEA Financial Report 2013 –2014

All Figures in $000.0 thousand (except "% of Variance" column)

Account	Final Budget *	Total Actual Expenditures **	Variance	% Variance	Explanation
Salaries & Wages	2596.4	2542.3	54.1	2.1%	*Not full FTE complement*
Benefits	597.2	679.2	(81.9)	-13.7%	
Transp. & Comm.	154.3	116.8	37.5	24.3%	*Discretionary spending controlled*
Services (incl. Lease)	407.3	368.8	38.5	9.4%	*Discretionary spending controlled*
Supplies & Equip.	92.4	43.1	49.3	53.4%	*Discretionary spending controlled*
ODOE	**654.0**	**528.7**	**125.3**	***19.2%***	
Transfer Payments	0.0	0.0	0.0		
Total	**3,847.6**	**3,750.2**	**97.4**	**2.5%**	
Recoveries	**(3,846.6)**	**(3,750.1)**	**(96.5)**	**2.5%**	
TOTAL	**1.0**	**0.1**	**0.9**	**90.0%**	

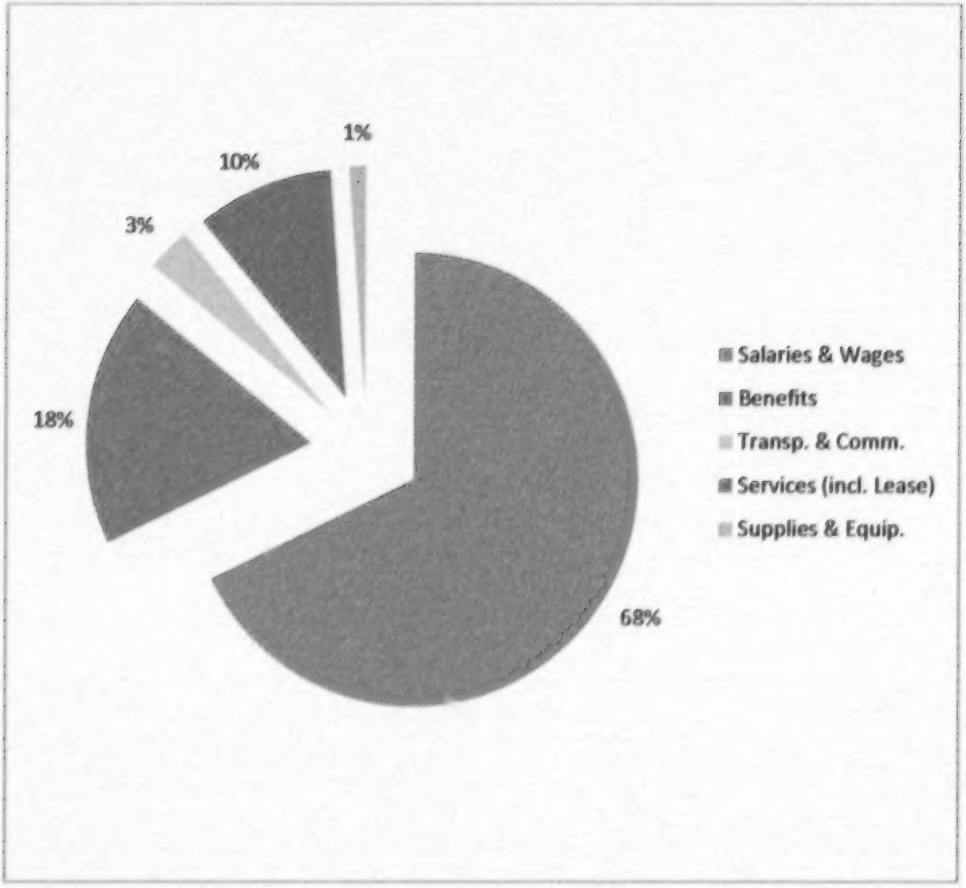
- * Final Budget = Printed Estimates, +/- TBO and/or re-alignment of funds by standard account.

Revenues Generated From:	Forecast	Total Actual Revenue	Variance	% of Variance	Explanation
Not applicable					

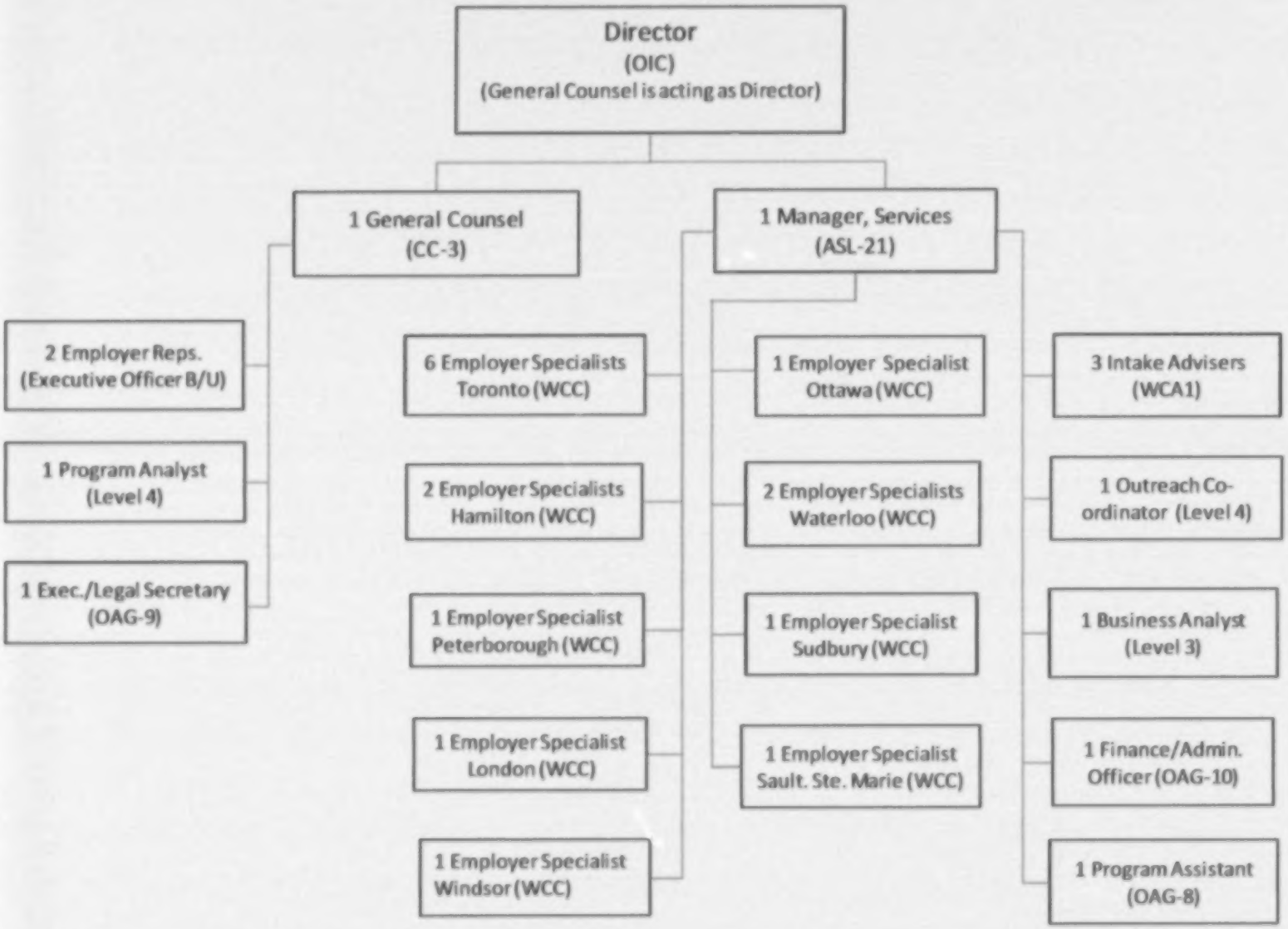
- ** Total Actual Expenditures including lease cost.

Figure 8

2013-14 Budget Actuals



Appendix C: OEA Organization Chart



An OIC appointment has not been made to the OEA and the General Counsel is currently acting as the Director.

Office of the Employer Adviser

Call Us

Toll Free: 1-800-387-0774

Visit Our Website

www.employeradviser.ca

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Employer Adviser @askoea

Fax Us

(416) 327-0726

or

Write to Us

151 Bloor Street West
Suite 704
Toronto, Ontario
M5S 1S4